



# AMS Listening Sessions on Marketing Claim for Naturally Raised Livestock

## ***The FSIS Labeling Approval Program and Marketing Claims***

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## FSIS and Labeling

- FSIS is the public health/regulatory agency that ensures meat, poultry, and egg products are safe, wholesome and accurately labeled
- As part of inspection mandate, FSIS conducts the USDA prior labeling approval system



## FSIS Prior Labeling Approval System

- FSIS Labeling and Consumer Protection Staff applies misbranding provisions of laws and labeling requirements in regulations daily
- All labels applied to meat, poultry, and egg products destined for commerce are subject to evaluation and approval by FSIS
- FSIS evaluates labels for compliance with required label features



## FSIS Prior Labeling Approval System

- Manufacturers must submit all labels with claims and special statements for evaluation and approval by Labeling and Consumer Protection Staff before use in commerce
- Voluntary claims and special statements typically relate to nutrient content, ingredients, processing methods, and animal raising practices



## Voluntary Claims

- When declared, information supporting the claims must accompany labels submitted for approval
- In some cases, meat and poultry regulations address factors for judging the truthfulness of claims
- In some cases, FSIS has established policy guides for claims



## Labeling Policy Guidance

- Interpretations of regulations
- Helpful and transparent way to set out the factors considered in making judgments about labeling
- Policy Memos/FSIS Food Standards and Labeling Policy Book = primary vehicles
- Policy guides respond to trends in marketing products with features, statements, and claims not explicitly addressed by regulations



## Marketing Claims

- One area of growing interest is animal raising claims
- Policy guidance: submission of labels for approval must be accompanied by protocols, veterinary records, affidavits
- Producers may opt for AMS certification that animals are raised in manner claimed
- FSIS accepts AMS program certification as support



## Marketing Claims

- Another area of growing marketing claims interest relates to how products are processed, e.g., “natural”
- 1982 policy guide (FSIS Policy Memo 055)
- Intended as guide to manufacturers for developing labeling bearing “natural” claims that FSIS would likely find truthful and not misleading
- Conditions were specified for using the claim





## Factors for Considering “Natural” Claims

- Product does not contain artificial flavor, coloring ingredient, or chemical preservative, or any other artificial or synthetic ingredient, *and*
- Product and its ingredients are not more than minimally processed



# Factors for Considering “Natural” Claims

## Minimal processing:

- traditional processes used to make food edible, preserve it, or make safe, *or*
- physical processes that do not fundamentally alter the raw product or that only separate a whole food into component parts, e.g., ground beef



## Factors for Considering “Natural” Claims

- Relatively severe processes, e.g., acid hydrolysis, are more than minimal
- Exception is that case-by-case statements such as “all natural ingredients except for hydrolyzed milk protein” may be approved



## Growing Interest in Marketing “Natural” Meat and Poultry Products

- Requests for “natural” on labels of products resulting from processes and including ingredients not found in use at time policy was created
- Significant disagreement about aspects of the policy



## Growing Interest in Marketing “Natural” Meat and Poultry Products

- October 2006, FSIS received petition to codify 1982 policy in Title 9 of the Code of Federal Regulations
- Information also raises questions about when, and if, foods resulting from a new processing technique or containing multi-purpose ingredients, e.g., sodium lactate, could be fairly characterized as “natural”



## “Natural” Meat and Poultry Products

- Issues about processing and ingredients are best addressed in rulemaking
- FSIS public meeting 12-12-06 (South Agriculture Building Cafeteria) to receive comments prior to rulemaking
- The content of the rulemaking will derive from our consideration of what we hear and receive in comments